



Paper No. 20

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OFFICE OF PETITIONS

In re Application of
Thierry Wetzel, et al.
Application No. 08/930,702
Filed: February 13, 1998
Attorney Docket No. CPW50075/US

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ON PETITION

CORRECTED DECISION

This is a corrected decision on the petition under 37 CFR 1.137(b), filed June 13, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The decision mailed July 31, 2001 is hereby vacated for the reason stated below.

The previous decision stated that the application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 16, 2000. Accordingly, the petition was dismissed. However, a review of the file record discloses that the action was, in fact, not a final office action but a non-final action. In view thereof, the reply submitted with the instant petition is considered a proper reply.¹

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

¹ Petitioner should note that although the reply is considered a proper reply to revive the application, it should not be inferred that the reply has been accepted by the examiner.

Telephone inquiries concerning this decision should be directed to Retta Williams at (703) 306-5594 or in my absence, Marianne Morgan at (703) 306-3475.

Retta Williams

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